

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 14425US02

In the Application of:

Steven Koenck

Serial No. 10/787,443

Filed: February 26, 2004

For: MODULAR, PORTABLE DATA
PROCESSING TERMINAL FOR
USE IN A COMMUNICATION
NETWORK

Examiner: CHERY, DADY

Group Art Unit: 2616

Confirmation No.: 7829

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is
being sent via EFS-Web to the United
States Patent and Trademark Office on
December 10, 2007.

/Philip Henry Sheridan/

Philip Henry Sheridan

Reg. No. 59,918

REQUEST FOR RECONSIDERATION OF PETITION TO EXPUNGE PAPERS UNDER
37 C.F.R. § 1.59(b)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

On November 7, 2007, Applicants filed a Petition to Expunge Papers Under 37 C.F.R. § 1.59(b). On November 29, 2007, a Decision on Petition was mailed by the United States Patent and Trademark Office (hereinafter, "PTO") stating that "[t]he decision on the petition will be held in abeyance until prosecution on the merits is closed, at which time the petition will be decided."

In discussing the Decision on Petition with Mr. Horabik on December 10, 2007, Applicants' representatives informed Mr. Horabik of the confidential nature of the documents at issue and the need to have those documents immediately expunged from the PTO records pursuant to protective orders in the following International Trade Commission Investigation and District Court case:

- In the Matter of Certain Baseband Processor Chips and Chipsets, Transmitter and Receiver (Radio) Chips, Power Control Chips, and Products Containing Same, Including Cellular Telephone Handsets, U.S. International Trade Commission Case. No. 377-TA-543.
- Broadcom Corp. v. Qualcomm, Inc., Civil Action No. 05-468 in the Central District of California

After discussing with Mr. Horabik the Decision on Petition, Mr. Horabik requested that the Applicants file a Request for Reconsideration of Petition to Expunge Papers Under 37 C.F.R. § 1.59(b), clarifying these issues.

The following six (6) documents were inadvertently submitted to the PTO in an Information Disclosure Statement on June 5, 2006 and were designated as confidential, subject to protective orders in the above-mentioned investigation and/or lawsuit:

C27	"CDMA Digital CAI Standard, Cellular System Dual-Mode Mobile Station-Base Station Compatability Standard, Draft Rev. 0", 07/31/1990, Bates Nos. QBB138614-832
C28	"CDMA Digital CAI Standard, Cellular System Dual-Mode Mobile Station-Base Station Compatability Standard, Draft Rev. 1", 10/01/1990, Bates Nos. QBB138833-9249
C29	"CDMA Digital CAI Standard, Cellular System Dual-Mode Mobile Station-Base Station Compatability Standard, Draft Rev. 1.1", 07/15/1991, Bates Nos. QBB139250-858
C119	"Proposed EAI,TIA Standard, Cellular System CDMA-Analog Dual-Mode Mobile Station - Base Station Compatibility Standard, Rev. 1.12", 03/16/1992
C120	"Proposed EAI,TIA Standard, Cellular System CDMA-Analog Dual-Mode Mobile Station - Base Station Compatibility Standard, Rev. 1.13", 03/23/1992
C431	"Proposed EAI,TIA Standard, Cellular System CDMA-Analog Dual-Mode Mobile Station - Base Station Compatibility Standard, Rev. 1.14", 04/21/1992

Pursuant to 37 C.F.R. § 1.59(b), the Applicants hereby request that these six references, and all copies (whether paper or electronic) be expunged from the record and either destroyed or returned to the Applicants.

The petition fee as set forth in 37 CRF 1.17(g) was included with the original petition.

For the convenience of the USPTO, it is noted that similar Petitions to Expunge Papers under 37 CFR § 1.59(b) were previously submitted in the following applications:

- 10/631,071 (Attorney Docket No. 14406US02),
- 10/657,595 (Attorney Docket No. 14406US03),
- 11/009,338 (Attorney Docket No. 14406US04),

- 10/965,991 (Attorney Docket No. 14771US02),
- 11/474,907 (Attorney Docket No. 14771US03),
- 09/318,668 (Attorney Docket No. 14206US01),
- 10/630,138 (Attorney Docket No. 14206US02), and
- 10/657,785 (Attorney Docket No. 14206US03).

Please charge any fees incurred in connection with this submission to Deposit Account No. 13-0017 in the name of McAndrews, Held & Malloy, Ltd.

Respectfully submitted,

Date: December 10, 2007

/Philip Henry Sheridan/
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